

REMARKS

Claims 30-51 are currently pending in the application. Claim 50 was acknowledged to contain allowable subject matter, but was objected to based upon its dependence from a rejected base claim. It is not believed necessary to amend claim 50 in independent form in view of the remarks which follow.

1. THE 35 U.S.C. § 102 REJECTION

Claims 30-33, 35-43, 45-48 and 51 are being rejected under 35 U.S.C. § 102(b) as being anticipated by Helm et al. (U.S. 4,743,024). This rejection is traversed. Reconsideration and withdrawal of this rejection is requested.

Under the law of anticipation, “[f]or a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988) (emphasis added). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim”. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Although Applicant disputes many of the assertions made by the Examiner with regard to the teachings of **Helm**, it is not necessary for Applicant to refute every point to overcome the alleged anticipation rejection as the Examiner has not demonstrated that **Helm**, in fact, discloses the “identical invention” claimed.

A. INDEPENDENT CLAIM 30 AND CLAIMS 33, 35-39 DEPENDING THEREFROM ARE NOT ANTICIPATED BY HELM

As an initial matter, it is respectfully submitted that the Examiner’s interpretation of the claimed “player-selectable elements” over **Helm’s** teaching of reels 22, 24 is impermissibly broad and legally erroneous. The Examiner relies upon **Helm’s** reels 22, 24 as the “player-selectable elements,” yet alleges that the *random outcomes* displayed on the reel are the “player-selectable elements” which are displayed on display 14 (*i.e.*, the Examiner argued in numbered paragraph 3 of the Final Office Action that “each of said plurality of player-selectable elements”

are simultaneously displayed on the display 14). If the Examiner contends, as argued in numbered paragraph 3 of the Final Office Action, that the reels 22, 24 of **Helm** correspond to the claimed player-selectable elements, then the display 14 cannot be alleged to display “a plurality of player-selectable elements” since the display does not display reels 22, 24 (*i.e.*, the alleged player-selectable elements), only *potential random outcomes* thereof.

If the Examiner contends, on the other hand, that the random outcomes which are represented on display 14 are the player-selectable elements, such contention would fail to anticipate the claim language and would be impermissibly broad. The “broadest reasonable interpretation” of the claims permitted by law must be consistent with “the interpretation that those skilled in the art would reach.” *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). In this vein, “[c]laims are not to be read in a vacuum, and limitations therein *are to be interpreted in light of the specification in giving them their ‘broadest reasonable interpretation’.*” *In re Marosi*, 710 F.2d 799, 802 (Fed. Cir. 1983)(*italics added*). Reels 22, 24 accept a player input through buttons 26, 28, and 30. However, **Helm** teaches that the reels 22, 24 display random numbers (*see, e.g.*, col. 2, lines 1-51 using terms such as “random number symbol or like display means,” “random display means,” and “random number display means”). **Helm** also teaches a “skill spin” or “skill stop” feature (col. 2, lines 52-55), but this is still considered to provide a random outcome.¹ Accordingly, neither the one-digit number generated by individual ones of the reels 22, 24, nor the two-digit number generated by the combination of reels 22, 24, would reasonably be considered “player-selectable elements”. It is submitted that one skilled in the art would not have reasonably interpreted “player-selectable element” as a randomly selected outcome by a logic circuit, as such outcome is manifested on reels 22, 24. Therefore, the matrix of numbers 11 to 55 on display 14 would not be reasonably interpreted as being player-selectable elements, since the gaming machine, not the player, is selecting those random outcomes.

¹ As noted in the July 25, 2002, Reply in the Parent Application (Application No. 09/978,755 filed October 16, 2001) and in Exhibit B therein, which includes a web-article (<http://www.stopvideopoker.org/lawhb1294.html>), it is “entirely absurd [to consider the act of pressing a ‘skill stop’ button to be an act of skill] because it is impossible for the player to skillfully react to the electronic wheels that are spinning at lightening speeds. With or without the ‘skill stop’ button, any layman would agree this is indeed a game of chance.”

Claims 30-33 and 35-39 recite “a processor in communication with said display and said input device, in response to each of said selections received from said input device, said central processing unit processor instructing said display to reveal each of said objects associated with said selected one of said plurality of said player-selectable elements, *said processor rendering said selected one of said plurality of said player-selectable elements subsequently un-selectable*”. The Examiner alleges that **Helm** identically teaches this element,² while defining **Helms**’ reels 22, 24 as “player-selectable elements” (see numbered paragraph 3 of page 2 of Office Action). The cited portions of **Helms** merely state that when the player pulls the handle 16, the reels 22, 24 spin in a conventional fashion until they stop at a random spot.³ The number displayed by reels 22, 24 is then illuminated in the display matrix 15 (col. 4, lines 58-59). **Helm** explicitly states that “an operation of the machine comprises seven numerical displays of the drums, *and in such seven displays the same numbers may be displayed twice or more by the random display means* by of course the said number can only be illuminated once and display of the same number twice means of loss of a turn to the player.” (col. 2, lines 39-43)(emphasis added).

Still further, contrary to the Examiner’s assertion, **Helm** does not comprise a processor let that renders “*said selected one of said plurality of said player-selectable elements subsequently un-selectable*”. Thus, even under the Examiner’s relation of the claimed player-selection elements to the reels 22, 24 in **Helm**, the fact that the same numbers may be displayed on the random display means (*i.e.*, reels 22, 24) “twice or more” precludes the teaching upon which **Helm** is asserted to provide. In other words, **Helm** does not teach or suggest that the player-selectable elements are rendered subsequently un-selectable. If that were the case, then an initial random outcome of “2 2” would then preclude the number “2” from appearing in either reel 22 or 24. Consequently, the reel positions corresponding to “1 2”, “2 1”, “2 3”, “2 4”, “2 5”, “3 2”, “4 2”, and “5 2” would then be un-selectable. For a bingo-game having a 5x5 matrix, this would clearly render the game unsuitable for its intended purpose. Accordingly, **Helms**’ express teaching that the same number may occur twice or more (on one or both reels) establishes that

² Citing Abstract; Col. 1, line 46 – Col. 2, line 8; and Col. 4, lines 55-62.

³ **Helm** characterizes reels 22, 24 as “random number display means” (col. 2, line 11) and “random display reels 22 and 24” (col. 5, line 2).

the player-selectable elements (*i.e.*, the random number means 22, 24, as asserted by the Examiner) are not rendered “subsequently un-selectable.”

Helm thus fails to identically teach each and every aspect of claims 30 and 33, 35-39 and fails to anticipate these claims under 35 U.S.C. § 102. Reconsideration and withdrawal of this rejection is requested for at least the above reasons.

B. INDEPENDENT CLAIM 40 AND CLAIMS 43, 45-48 DEPENDING THEREFROM
ARE NOT ANTICIPATED BY HELM

Claims 40 and 43, 45-48 recite, in part, “at least one display displaying a plurality of groups of objects and a plurality of player-selectable elements separate from said plurality of groups of objects, *said plurality of player-selectable elements being simultaneously displayed in an array*,” and “an input device for receiving from a player *sequential selections of said player-selectable elements from said displayed array of player-selectable elements*.”

The Examiner asserts **Helm** allegedly teaches “a plurality of selectable objects (22, 24) separate from the groups of objects (15), each of said plurality of player-selectable objects being simultaneously displayed and initially concealing indicia indicative of all of said objects within said plurality of groups of objects” (see numbered paragraph 3 of Office Action). The Examiner contends that “[e]ach of the plurality of player-selectable elements are initially concealed in that the player is unaware of what symbols are going to appear on respective reels (22)(24) until after the player spins”. *Id.*

As noted above, the Examiner’s claim construction of the claimed “player-selectable elements” as being met by **Helm**’s teaching of reels 22, 24 is impermissibly broad and legally erroneous. Even if **Helm**’s reels 22, 24 were to be interpreted as the claimed “player-selectable elements,” as erroneously asserted by the Examiner, the display 14 does not display the reels 22, 24 (*i.e.*, the alleged player-selectable elements), but rather displays the potential set of *random outcomes* which might be randomly displayed on the reels 22, 24. Thus, **Helm** does not identically teach, as required, “*at least one display displaying . . . a plurality of player-selectable elements . . . , said plurality of player-selectable elements being simultaneously displayed . . .*”.

Moreover, it appears that the Examiner contends that the player-selectable elements might alternatively constitute the potential randomly selected outcomes (11 to 55) displayed on display 14 (see numbered paragraph 3 of Final Office Action). **Helm** does not teach that the alleged plurality of player-selectable elements (*i.e.*, reels 22, 24) are “simultaneously displayed,” as stated by the Examiner. **Helm** teaches that the rear display panel 14 carries a matrix of numbers (11 to 55), with each number in the matrix covering one potential combination of outcome of the random display reels 22, 24. The numbers on the display panel 14 are (indicated by reference numeral 15) are not themselves selectable (*i.e.*, the player cannot push numbers on the display to illuminate that number and modification of the game in such a manner would clearly render the Bingo game disclosed by **Helm** completely unsuitable for its intended purpose). Further, the display does not display “player-selectable elements” (*i.e.*, the elements 15 displayed by display 14 are random outcomes, not outcomes “selected” by the player).

Helm thus fails to identically teach each and every aspect of claims 40 and 43, 45-48 and fails to anticipate these claims under 35 U.S.C. § 102. Reconsideration and withdrawal of this rejection is requested for at least the above reasons.

C. INDEPENDENT CLAIM 51 IS NOT ANTICIPATED BY HELM

The above comments in paragraph 1.B, above, are equally applicable to independent claim 51, but are not reiterated herein for brevity. Reconsideration in view thereof is requested.

Further, claim 51 recites “a processor in communication with said display and said input device, in response to each of said sequential selections received from said input device, *said processor instructing said display . . . to remove said selected one of said plurality of said player-selectable elements from a population of player-selectable elements to prevent subsequent selection of said selected one of said plurality of said player-selectable elements*”. As noted above, **Helm** permits the same numbers to be displayed on the random display means (*i.e.*, reels 22, 24) “twice or more” (*see, e.g.*, col. 2, lines 40-42). **Helm** does not teach or suggest that the alleged player-selectable elements (*i.e.*, the random number means 22, 24) are rendered subsequently un-selectable. If that were the case, then an initial random outcome of “2 2” would

then preclude the number “2” from appearing in either reel 22 or 24. Consequently, the reel positions corresponding to “1 2”, “2 1”, “2 3”, “2 4”, “2 5”, “3 2”, “4 2”, and “5 2” would then be un-selectable, which would render a bingo-type game unsuitable for its intended purpose. Accordingly, **Helms**’ express teaching that the same number may occur twice or more (on one or both reels) establishes that the alleged player-selectable elements (*i.e.*, the random number means 22, 24, as asserted by the Examiner) are not rendered “subsequently un-selectable.”

Helm thus fails to identically teach each and every aspect of claim 51 and fails to anticipate claim 51 under 35 U.S.C. § 102. Reconsideration and withdrawal of this rejection is requested for at least the above reasons.

2. THE 35 U.S.C. § 103 REJECTION

Claims 34, 36, 44 and 46 are being rejected under 35 U.S.C. § 103(a) as being unpatentable over **Helm**. This rejection is traversed. Reconsideration and withdrawal of this rejection is requested.

A. CLAIMS 34 AND 36 ARE NOT OBVIOUS IN VIEW OF HELM

The Examiner acknowledges that **Helm** does not teach a touch screen, but alleges that it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated into **Helm** the “*touch screen* to select elements” (claims 34, 44)(*see, e.g.*, page 4, numbered paragraph 5 of Final Office Action). According to the Examiner, “[d]oing so provides an alternative method . . . to **Helm**’s ‘reel spin’ for randomly selecting a number or symbol corresponding to the matrix.” It is noted that in the Examiner’s “Response to Arguments” the Examiner states in response to Applicants prior argument that **Helm** does not teach a touch screen that “[t]he examiner respectfully disagrees” and states that “[t]he examiner believes these limitations are taught by Helm as cited above in the rejection”. In view of the Examiner’s admission in the statement of rejection, the internally inconsistent position taken by the Examiner in the “Response to Arguments” will be disregarded.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Although a prior art device “may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.” See *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992). The legal concept of *prima facie* obviousness is a procedural tool of patent examination, allocating the burdens of going forward with production of evidence in each step of the examination process (*citations omitted*)(*see, e.g.*, MPEP § 2142). The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. The showing must be clear and particular. See, e.g., *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999); *C.R. Bard, Inc. v. M3 Sys., Inc.*, 157 F.3d 1340, 1352 (Fed. Cir. 1998).

It is submitted that the Examiner’s burden to set forth a *prima facie* case of obviousness has not been discharged, as broad conclusory statements, standing alone, are not “evidence” supportive of a *prima facie* showing. *McElmurry v. Arkansas Power & Light Co.*, 995 F.2d 1576, 1578 (Fed. Cir. 1993).

As acknowledged by the Examiner, there is no teaching within **Helm** of a touch screen. Instead, the Examiner alleges that the suggestion to modify **Helm** arises from the Examiner’s contention that a touch screen provides an alternative method to the spinning reels 22, 24 and push buttons 26, 28, 30 and from the assertion that the method was well known in the art at the time of the invention. As an initial matter, it is respectfully submitted that this generalized allegation does not discharge the Examiner’s burden to set forth a *prima facie* case of obviousness. In order to rely on equivalence as a rationale supporting an obviousness rejection, the equivalency must be recognized in the prior art, and cannot be based on applicant’s disclosure or the mere fact that the components at issue are or may be functional or mechanical equivalents. *In re Ruff*, 256 F.2d 590, 118 USPQ 340 (CCPA 1958). The equivalency between a touch screen and buttons 26, 28, 30 on a console or unit 21, which is itself separate from a primary rear display 14, must be recognized in the prior art. Such evidence has not been shown.

Moreover, indicia weighing against the asserted obviousness of the modification would have to be considered. The determination of obvious must be contextual and cannot be

completely divorced from the teachings of the reference to be modified. For example, even if, for the sake of argument, the Examiner were to have cited to a reference that disclosed use of a touch screen in a gaming application, the particular gaming application itself would have to be evaluated. In other words, equivalency can be supportive of an obviousness rejection, but cannot itself constitute the obviousness rejection. The prior art must also suggest the desirability of the combination. *In re Mills, supra*. For example, a proposed modification cannot change the principle of operation of a reference. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). If **Helm** were modified to allow a player to select numbers or symbols using a touch screen video display, **Helm's** principle of operation would be changed. **Helm** declares that "the number arrangement and spinning reel arrangement described herein provide a particularly advantageous machine . . ." (Col. 5, lines 62-64). In fact, the spinning reel arrangement is consistent with the conventional spinning reel or "fruit" machines that **Helm** is attempting to improve (*see* col. 1, lines 13-40). A gaming machine is not merely a reduction of its constituent parts. Each gaming machine has a "feel" which affects how players respond to the game and which influences each player's gaming experience. In some instances, the "feel" of the game may be compromised by modification of the machine to remove push-buttons, which have a give and a tactile feel, with a glass-screen that accepts an input (i.e., touch screen). It is submitted that **Helm** is largely a simple, mechanical-based machine intended to foster a physical connection between the player and the machine through its particular combination of lever 16 and buttons 26, 28, 30. The introduction of a touch screen video display or the like as a replacement to lever 16⁴ would fundamentally alter both its construction and feel.

Still further, claims 34, 36 depend from claim 30. The Examiner has not set forth a *prima facie* case of obviousness as to claim 30, or claims depending therefrom. Claims 34 and 36 recite "a processor in communication with said display and said input device, in response to each of said selections received from said input device, said central processing unit processor instructing said display to reveal each of said objects associated with said selected one of said plurality of said player-selectable elements, *said processor rendering said selected one of said*

⁴ The Examiner alleges that a touch screen would provide "an alternative method . . . to **Helm's** 'reel spin' for randomly selecting a number or symbol corresponding to the matrix."

plurality of said player-selectable elements subsequently un-selectable". For the reasons stated above, which are not repeated herein for brevity, **Helm** explicitly teaches away from the above-noted aspects of the claims. A prior art reference must be considered in its entirety, *i.e.*, as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). **Helm** expressly teaches that "*the same numbers may be displayed twice or more by the random display means*" (col. 2, lines 39-43)(emphasis added). Moreover, **Helm** teaches away from the claimed reading of "said selected one of said plurality of said player-selectable elements subsequently un-selectable." Again, as noted above, in the Bingo-type game of **Helm**, rendering the player-selectable elements (*i.e.*, whether construed as the reels 22, 24, as alleged, or as the random outcomes arrived at thereby) subsequently unselectable would render the Bingo-type game of **Helm** completely unsuitable for its intended purpose. "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984)(emphasis added).

Reconsideration and withdrawal of this 35 U.S.C. § 103 rejection of claims 34 and 36 is requested for at least the above reasons.

B. CLAIMS 44 AND 46 ARE NOT OBVIOUS IN VIEW OF HELM

The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated into **Helm** a gaming machine which "conducts a basic game and a bonus game, said plurality of groups of objects and said plurality of player-selectable elements being associated with said bonus game."

Claims 44 and 46 depend from claim 40 and recite, in part, "at least one display displaying a plurality of groups of objects and a plurality of player-selectable elements separate from said plurality of groups of objects, *said plurality of player-selectable elements being simultaneously displayed in an array*," and "an input device for receiving from a player *sequential selections of said player-selectable elements from said displayed array of player-*

selectable elements.” In the base anticipation rejection of claim 40, the Examiner alleges **Helm** teaches “a plurality of selectable objects (22, 24) separate from the groups of objects (15), each of said plurality of player-selectable objects being simultaneously displayed and initially concealing indicia indicative of all of said objects within said plurality of groups of objects” (see numbered paragraph 3 of Office Action). The Examiner contends that “[e]ach of the plurality of player-selectable elements are initially concealed in that the player is unaware of what symbols are going to appear on respective reels (22)(24) until after the player spins”. *Id.*

As noted above, the Examiner’s claim construction of the claimed “player-selectable elements” as being met by **Helm**’s teaching of reels 22, 24 is impermissibly broad and legally erroneous. Even if **Helm**’s reels 22, 24 were to be interpreted as the claimed “player-selectable elements,” as erroneously asserted by the Examiner, the display 14 does not display the reels 22, 24 (*i.e.*, the alleged player-selectable elements), but rather displays the potential set of *random outcomes* which might be randomly displayed on the reels 22, 24. **Helm** does not teach or suggest “*at least one display displaying . . . a plurality of player-selectable elements . . . , said plurality of player-selectable elements being simultaneously displayed . . .*”. Further, **Helm**’s rear display panel 14 matrix of numbers (11 to 55) are not themselves selectable and the display does not display “player-selectable elements” (*i.e.*, the elements 15 displayed by display 14 are random outcomes, not outcomes “selected” by the player). Accordingly, **Helm** fails to teach or suggest each and every aspect of the rejected claims.

Reconsideration and withdrawal of this 35 U.S.C. § 103 rejection of claims 44 and 46 is requested for at least the above reasons.

C. CLAIM 49 IS NOT OBVIOUS IN VIEW OF HELM

Claim 49 recites a gaming machine configured to conduct a basic game and a bonus game including “at least one display displaying, in said bonus game, a plurality of groups of objects and a plurality of player-selectable elements separate from said plurality of groups of objects” In the statement of rejection of claim 49, the Examiner generally refers to the stated 35 U.S.C. § 102 rejections of claims 30-33, 35-43, 45-48, and 50-51 and adds that regarding claim

49, **Helm** “seems to lack explicitly disclosing . . . the game is a bonus game.” The Examiner’s statement of rejection subsequently adds that “to one having ordinary skill in the art, it is well known to use any type of theme game as a bonus game in a slot machine” and points to Applicant’s specification as having an acknowledgement of the use of bonus games. However, the Examiner fails to state any suggestion or motivation for the particular modification of **Helm** in the manner alleged. The Examiner’s burden to set forth a *prima facie* case of obviousness has not been discharged, as broad conclusory statements, standing alone, are not “evidence” supportive of a *prima facie* showing. *McElmurry v. Arkansas Power & Light Co.*, *supra*. The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-site Corp. v. VSI Int’l Inc.*, 174 F.3d 1308 (Fed. Cir. 1999).

Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. *See, e.g., B.F. Goodrich Co. v. Aircraft Breaking Sys. Corp.*, 72 F.3d 1577, 1582, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996). The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). The Examiner in this case has done neither and the rejection is improper on at least this ground. Withdrawal of this 35 U.S.C. § 103 rejection is requested for at least this reason.

In the statements of rejection under 35 U.S.C. § 102, the Examiner acknowledges that **Helm** does not teach a touch screen, but alleges that it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated into **Helm** the touch screen to provide “an alternative method . . . to **Helm**’s ‘reel spin’ for randomly selecting a number or symbol corresponding to the matrix.” As stated above, but not repeated herein for brevity, to the extent that equivalency is relied upon by the Examiner to support an obviousness rejection, evidence of the mandatory art-recognized equivalency has not been produced by the Examiner. Further, **Helm** does not suggest the Examiner’s proposed modification, in part at least

because such modification would impermissibly change the principle of operation of **Helm**, for the reasons noted above. *In re Ratti, supra*.

Still further, claim 49 recites, in part, “at least one display displaying, in said bonus game, . . . a plurality of player-selectable elements . . .” and “an input device comprising a touch screen for receiving from a player sequential selections of said player-selectable elements from said displayed array of player-selectable elements”. As noted above, but not repeated herein for brevity, the Examiner’s claim construction of the claimed “player-selectable elements” as being met by **Helm**’s teaching of reels 22, 24 is impermissibly broad and legally erroneous. Even if **Helm**’s reels 22, 24 were to be interpreted as the claimed “player-selectable elements,” as asserted by the Examiner, the display 14 does not display the reels 22, 24 (*i.e.*, the alleged player-selectable elements), but rather displays the potential set of *random outcomes* which might be randomly displayed on the reels 22, 24. Further, **Helm**’s rear display panel 14 matrix of numbers (11 to 55) are not themselves selectable and the display does not display “player-selectable elements,” but rather elements 15 which display random outcomes as opposed to player-selectable elements. **Helm** does not teach or suggest an input device comprising a touch screen for receiving from a player sequential selections of said player-selectable elements from said displayed array of player-selectable elements and, accordingly, **Helm** fails to teach or suggest each and every aspect of the rejected claims.

Reconsideration and withdrawal of this 35 U.S.C. § 103 rejection of claims 44 and 46 is requested for at least the above reasons.

CONCLUSION

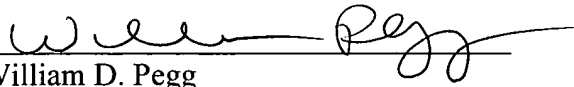
It is the Applicant’s belief that all of the claims are patentable and are in condition for allowance, and action towards that end is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47079-00055USC2.

Respectfully submitted,

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Date



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